



AF 1 3624

PTO/SB/21 (08-03)

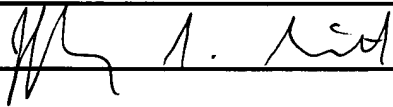
Approved for use through 07/31/2006. OMB 0651-0031

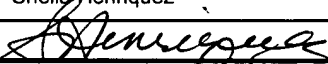
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/073,748	
	Filing Date	May 6, 1998	
	First Named Inventor	Craig David Weissman	
	Art Unit	3624	
	Examiner Name	Ella Colbert	
Total Number of Pages in This Submission	4	Attorney Docket Number	EPI-003 US (7007962001)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Postcard Express Mail Label No.: EV 348 159 267 US
Remarks		<b>RECEIVED</b> DEC 29 2003 <b>GROUP 3624</b>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bingham McCutchen LLP
Signature	Jeffrey S. Smith, Reg. No. 39,377 
Date	December 16, 2003

CERTIFICATE OF MAILING			
I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" (Express Mail Label No. EV 348 159 267 US under 37 CFR § 1.10 on the date indicated and is addressed to: Mail Stop Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Sheila Henriquez		
Signature		Date	December 16, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

#27  
1/15/03



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Craig David Weissman, Gregory Vincent Walsh, Eliot Leonard Wegbreit  
Assignee: E.piphany, Inc.  
Filing Date: May 6, 1998 Examiner: Colbert, Ella  
Serial No.: 09/073,748 Group Art Unit: 3624  
Title: METHOD AND APPARATUS FOR CREATING A WELL-  
FORMED DATABASE SYSTEM USING A COMPUTER

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

DEC 29 2003

**GROUP 3600**

**REPLY BRIEF UNDER 37 CFR § 1.193**

The Applicants submit this Reply Brief pursuant to 37 CFR 1.193 in response to the Examiner's Answer mailed on October 16, 2003. This brief is submitted in triplicate.

REMARKS

Applicants respectfully submit that the Examiner's Answer is a copy of the final rejection, which fails to rebut our response in the Appeal Brief and fails to present any new arguments.

For example, on page 3 of the Answer, the Examiner writes that "Anand teaches ... automatically generating the business database system according to the instructions contained in the metadata schema," citing column 4 of Anand. However, as stated in the Appeal Brief, this section of Anand merely discloses various ways of linking and displaying data. Anand does not disclose "automatically generating the business database system according to the instructions contained in the metadata schema such that the business database system is well formed" as recited in claim 133.

The Examiner's response to this argument, on page 7 of the Answer, is merely that "The Anand reference has metadata and a business subsystem and a data warehouse environment. It is interpreted that Anand and Papierniak teach Applicants' claimed invention." Applicants submit that metadata and a business subsystem and a data warehouse is not the claimed invention, which recites "automatically generating the business database system according to the instructions contained in the metadata schema such that the business database system is well formed."

Applicants further submit that the Examiner has failed to identify the claimed element of "automatically generating the business database system according to the instructions contained in the metadata schema such that the business database system is well formed" in the prior art reference. Instead, the Examiner concludes that "The Examiner is entitled to give the claim limitations their broadest reasonable interpretation in light of the Specification...." Applicants submit that, even so, the Examiner must still identify the claimed elements in the prior art in order to maintain a rejection. Applicants submit that linking and displaying data, as cited by the Examiner, neither discloses nor suggests "automatically generating the business database system according to the instructions contained in the metadata schema such that the business database system is well formed" as recited in the claim.

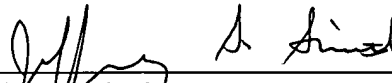
In conclusion, applicants submit that claim 133 is patentable over Anand in view of Papierniak.

CONCLUSION

For the above reasons, Applicants respectfully submit that rejection of claims 133-165 based on 35 U.S.C. § 103(a) has been overcome. Accordingly, Applicants request that the Board of Patent Appeals and Interferences overrule the Examiner's Answer and allow claims 133-165.

DATE: December 16, 2003

Respectfully submitted,

By:   
Jeffrey S. Smith  
Registration No. 39,377

Bingham McCutchen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4422  
Telefax: (650) 849-4800

Express Mail Label No.  
EV 348 159 267 US